COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 19, 2010

OFFICE CORRESPONDENCE FILE NO. SH2232297

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DARELL EDWARDS #[redacted]
CENTURY STATION

On November 17, 2008, Suspect Kurt Cabreros fired approximately three to four rounds from his revolver, striking the driver's side of Deputy Edwards' car. Deputy Edwards fired 13 rounds from his .45 caliber H&K USP pistol at the suspect. The suspect fled and was later located, identified, arrested, and medically treated.

Deputy Darell Edwards was en route to work in his personal car, traveling west on the Interstate 10 Freeway, near Vincent Avenue, when he noticed a driver in a blue Dodge Charger tailgating his car. The driver, who was the sole occupant of the Dodge Charger, changed lanes, sped up and pulled alongside Deputy Edwards' car. The driver of the Charger threw his hands up in the air as if to ask "what's up?" Deputy Edwards ignored the driver and changed two lanes to avoid him. The driver of the Charger dropped back approximately five car lengths then pulled alongside Deputy Edwards' car a second time. The driver brandished a chrome revolver and fired two shots toward Deputy Edwards, which struck his car near the front quarter panel and the driver's door. The Charger then sped away. It is believed that the shooting occurred on the westbound Interstate 10 Freeway between Sunset Avenue and Pacific Avenue.

Deputy Edwards retrieved his duty weapon from under his seat and used his cell phone to call Century Station to request help from West Covina Police Department. The driver of the Charger exited the freeway in West Covina, and Deputy Edwards followed. Nearby, the suspect pulled into a parking lot of a shopping center near Orange Avenue and Roseway Avenue in West Covina. Deputy Edwards lost sight of the Dodge Charger. When Deputy Edwards regained sight of the suspect car on a residential street, he saw the Dodge Charger driving toward him. Wanting to create distance between the cars and not confront the suspect, Deputy Edwards applied the brakes on his car. However, at this point, his brakes were heated and his car stopped within a foot of the stopped Dodge Charger.

The suspect, approximately eight feet away, pointed his revolver out of the driver's window toward Deputy Edwards and fired approximately three to four rounds, striking the driver's side of Deputy Edwards' car. Deputy Edwards, to protect himself, fired 13 rounds from his .45 caliber H&K USP pistol at the suspect. The suspect then accelerated past Deputy Edwards.

Deputy Edwards, who was able to contact Century Station's front desk personnel, provided them with the suspect's car description and updated them regarding his location while following the car. A short distance later, Deputy Edwards lost sight of the car. He then stopped and awaited for arriving deputies responding from Industry Station.

The suspect's car was found abandoned a short distance away. It was unknown if the suspect was injured; however, a small amount of blood was found on the ground near the abandoned car. Through investigative techniques the suspect was identified as Kurt Cabreros and was arrested the day after this incident.

At the time of Suspect Cabreros' arrest, he had a single, untreated, gunshot wound to his right arm below the shoulder. The wound was horizontal and approximately three inches long. He was treated at Citrus Valley Medical Center by Dr. Norman Owashi and required seven internal sutures and twelve staple sutures to close the wound. He was also treated for a half-inch long abrasion to the inside of his left wrist, which Suspect Cabreros stated was caused by his watch band when his watch was shot off his wrist during the incident.

Deputy Edwards was not injured in this event.

On April 8, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Darell Edwards #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Darell Edwards #[redacted] in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

Table of Contents

IAB # SH 2232297

Los A_eles County Sheriff's Dep_ment

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
11-17-08	Century Station	☐	☒

Incident Information

URN: WCPD #08-11365	Date: 11-17-08 Time: 1255 hrs
City or Station: West Covina	Nature of Incident: Off Duty Century Deputy Edwards was driving to work when he was shot at by a suspect driving next to him on the freeway. Dep. Edwards followed after but lost the suspect in the city of West Covina. The suspect then drove up to Dep. Edwards and they exchanged numerous gunshots at each other while parked side by side.. The suspect then drove away. Dep. Edwards was uninjured.
Location: W/B 10 FWY	

Location Type (*circle one or more*): Backyard, Beach, Business, **(Freeway)**, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)**

Other: __________

Lighting (*circle only one*): Darkness, **(Daylight)**, Other, Street Lights

Weather (*circle only one*): **(Clear)**, Cloudy, Fog, Rain

Distance: 5 to 10 feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot

Other: __________

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **(Other)**, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **(Other)**, Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
13	6

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
	None			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name / Street Address	City	First Name / Zip Code	Work Ph	M.I. / Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
	Off Duty Incident			On Duty, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	Off Duty Incident		

Watch Commander

Employee #	Last Name	First Name	M.I.
	Off Duty Incident		

PSTD Use Only

SH # __________

See Reverse

Officer Involved Shooting

URN: WCPD #08-11365

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-17-08	1420 hrs		

Employee #	Last Name	First Name	M.I
[redacted]	Denison	Trent	
[redacted]	Chemnetzer	Dana	
[redacted]	Ault	Alicia	

Shooting / Force Information

Method

Code	Method	Code	Method
(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

Code	Type of Injury
(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

Code	Body Part
(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

Code	Brand	Code	Brand	Code	Brand
(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

Code	Caliber	Code	Caliber	Code	Caliber
(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E	FH					NN	
E	S	FH	HK	45	Y	Y	GS	AR

SH-R-438A rev. 3/07

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: WCPD #08-11365

Involved Employee

E 1

Employee # [redacted]	Last Name: Edwards	First Name: Darell	M.I.: A.
Sex: M Race: Black	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): Off - Duty
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime (Off Duty — circled)	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs):	Clothing (*circle only one*): (Plain Clothes no Vest — circled), Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 603	Weight: 205		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: H & K	Caliber: 45 # Shots: 13	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: WCPD #08-11365

Suspect Information

S 1

Last Name: Cabreros	First Name: Kurt	M.I.: A.
AKA Last Name: Unknown	First Name:	M.I.:
Sex: M Race: Filipino	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #: [redacted]	Driver's License #: [redacted]
Age: 30 D.O.B. 02-20-78	Height: 509 Weight: 135 FBI #: [redacted]	CII #: [redacted]
Booking #: 1700942	Primary Charge: 664/187(A) P.C.	Secondary Charge: 246 P.C.
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒ Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Dodge	Model: Charger	Year: 2009

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:

Investigative Summary

Incident: **Off Duty Deputy Involved Hit Shooting**
WCPD Report: **08-11365**
IAB File: **SH 2232297**

Opening Statement

On November 17, 2008, IAB investigators responded to Fairgrove Avenue and Aldgate Avenue in the city of La Puente regarding an off-duty Deputy Involved Shooting that originated in West Covina Police Department's (WCPD) jurisdiction. Sergeant Trent Denison, Sergeant Dana Chemnitzer and Lieutenant Alicia Ault were briefed by WCPD Homicide Detective [redacted] regarding the incident.

Numerous LASD personnel assisted WCPD detectives with various aspects of the investigation and arrest of the suspect in this incident. The primary investigation responsibility and criminal proceeding regarding the suspect, remained with WCPD personnel.

Sergeant Trent Denison was assigned the Force/Shooting Review responsibility.

Synopsis

Deputy **Darell Edwards** was en route to work in his personal vehicle, traveling west on Interstate 10 near Vincent Avenue, when he noticed a driver in a blue Dodge Charger tailgating his vehicle. The driver, and sole occupant of the Charger, changed lanes, sped up and pulled alongside Deputy Edwards' vehicle. The driver of the Charger threw his hands up in the air as if to ask "what's up." Deputy Edwards ignored the driver and changed two lanes to avoid him. The driver of the Charger dropped back approximately five car lengths then pulled alongside Deputy Edwards' vehicle a second time, brandished a chrome revolver, and fired two shots toward Deputy Edwards which struck his vehicle near the front quarter panel and the driver's door. The Charger then sped away. It is believed the shooting occurred on the westbound Interstate 10 Freeway between Sunset Avenue and Pacific Avenue.

Deputy Edwards retrieved his duty weapon from under his seat and utilized his cell phone to call Century Sheriff's Station, to request help from West Covina Police Department. The driver of the Charger exited the freeway in West Covina and Deputy Edwards followed. Nearby the suspect pulled into a parking lot of a shopping center near Orange Avenue and Roseway Avenue in West Covina. Deputy Edwards lost sight of the Charger. When Deputy Edwards regained sight of the suspect vehicle on a residential street, he saw the Charger driving toward him. Wanting to create distance between the vehicles and not confront the suspect, Deputy Edwards applied the brakes on his vehicle, however, at this point in time his brakes were heated and his vehicle came to rest with his front bumper within a foot of the bumper of the now stopped Charger.

The suspect, approximately eight feet away, again pointed his revolver out of the driver's window toward Deputy Edwards and fired approximately 3-4 rounds, striking the driver's side of Deputy Edwards' vehicle. Deputy Edwards, in order to protect himself, fired 13 rounds from his H & K 45 at the suspect. The suspect then accelerated past Deputy Edwards.

Deputy Edwards, who was able to contact Century Station's front desk personnel, provided them with the suspect vehicle description and updated them regarding his location while attempting to follow the vehicle. A short distance later Deputy Edwards lost sight of the vehicle. He then stopped and awaited arriving Deputy personnel who responded from Industry Station. A copy of Dep. Edwards' phone call may be reviewed on the CD **[Exhibit F]** and attached transcription.

The suspect's vehicle was found abandoned a short distance away by responding personnel. It was unknown if the suspect was injured however, a small amount of blood was found on the ground near the abandoned car. Through investigative techniques the suspect was identified and arrested the day after this incident. At the time of the suspect's arrest, he was found to have a single, untreated, gunshot wound to his right arm below the shoulder and a wound to his left wrist caused by his wristwatch being shot off his wrist.

Deputy Edwards was not injured in this event.

<u>Involved Personnel</u>

Century Station Deputy **Darell Edwards #**[redacted]

<u>Work History</u>

Date of Employment:	09/[redacted]9
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Date Assigned to Century Station:	08/05
Prior Shooting Incident(s):	Two (2): 2006 Armed Person, Fleeing Suspect & 2007 Armed Person, Fleeing Suspect, Foot Pursuit
Prior Founded Force Incident(s):	[redacted]

<u>Suspect</u>

Cabreros, Kurt Themulgen MF/30, 02-20-78, 5'09, 130lbs., Black, Brown, [redacted]

A check of Suspect Cabreros' criminal history revealed that he has [redacted]. His [redacted] include: [redacted], [redacted]

[redacted] Suspect Cabreros, at the time [redacted]

Suspect Cabreros was sentenced to 46 years in State Prison as a result of this incident.

Witnesses

A witness to the inception of this incident on the freeway and several witnesses to the shooting which occurred at Roseway and Walnut Creek Parkway were located and identified by WCPD personnel. The witness statements may be reviewed on the WCPD Supplemental Reports found in the WCPD Homicide Investigation Book **[Exhibit A]**.

Injuries

Suspect Cabreros, when captured, was found to have a grazing type gunshot wound to his right arm just below the shoulder. The wound was horizontal and approximately three inches long. He was treated at Citrus Valley Medical Center by Dr. Norman Owashi and required seven internal sutures and twelve staple sutures to close the wound. He also was treated for a ½ inch long abrasion to the inside of his left wrist which Suspect Cabreros stated was caused by his watch band when his watch was shot off his wrist during the incident.

Physical Evidence

Numerous .45 caliber shell casings and broken vehicle safety glass were located on the street at the intersection of Roseway and Walnut Creek Parkway in West Covina. This is the location of the exchange of gunfire between Suspect Cabreros and Deputy Edwards. No physical evidence was located on the freeway. The suspect's Dodge Charger was found to have numerous bullet holes in the driver's side door and bullet impact damage on the seats and door panels within the interior. Deputy Edwards' personal truck had two bullet strikes to the left front fender and three bullet strikes to the driver's door. For more information regarding the evidence, see WCPD crime scene and evidence Supplemental Reports found in the WCPD Homicide Investigation Book **[Exhibit A]**, and crime scene pictures **[Exhibit B]**.

Investigator's Observations

IAB investigators responded to the location Deputy Edwards had stopped his truck to await responding Industry Deputies. The scene was preserved by LASD and WCPD personnel for evidence collection. From a distance, IAB investigators noticed numerous fresh bullet holes to the left front fender, in front of the tire, and to the driver's door of Deputy Edwards' truck.

Suspect Cabreros' vehicle was recovered at another location several hours later and was not observed by IAB investigators.

Weapon used by Dep Edwards

Deputy Edwards fired 13 rounds of Department issued Winchester .45 caliber ammunition from

his personally owned, Department approved, Heckler & Koch USP 45. WCPD investigators recovered the weapon from the floor board of Deputy Edwards' truck and transported it to the Sheriff's Department crime lab for processing. Deputy Edwards weapon was found to be compliant with Department standards and requirements when test fired. WCPD investigators returned the weapon to Deputy Edwards after completion of the testing.

Weapon used by Suspect Cabreros

Suspect Cabreros' weapon was not located. Based on the description of the weapon given by Deputy Edwards, the lack of shell casings at the scene or in the interior of the suspect's vehicle, and the damage to Deputy Edwards' truck, it is believed that Suspect Cabreros used a .38 caliber revolver when he shot at Deputy Edwards.

Property Damage

No property was found damaged other than the suspect's vehicle and Deputy Edwards' truck as described above in the "Physical Evidence" section.
The recovered Dodge Charger the suspect drove was found to belong to Enterprise Car Rentals with Suspect Cabreros as the named renter on the vehicle rental contract.

Criminal Investigator

West Covina Police Department Homicide Detective [redacted]

Lighting and Weather Conditions

This incident took place during the hours of daylight and while on public roads. The weather was clear and dry.

IAB Interview of Deputy Edwards

The following is a synopsis of Deputy Edwards' IAB interview. For more information, see the attached verbatim transcription of Deputy Edwards' interview. His statements made to IAB investigators were consistent with his statements to WCPD detectives.

Deputy Edwards said during his IAB interview on September 23, 2009, that he was on his way to work when this incident occurred. He said he was driving his Chevy pickup on the Grand Avenue on ramp to the westbound 10 Freeway when he noticed a new Dodge Charger close behind him. He said that once he entered the freeway, the Charger pulled along side of him and the driver tossed his hands up into the air as if to ask "What's up"? Deputy Edwards said that he was un aware if he had cut the driver off and he did not want to be in a road rage incident so he changed two lanes in order to avoid the driver. He added that the Charger dropped behind him by approximately 50 yards then he heard the sound of a motor racing and saw the Charger pull along side him again on the drivers side. He said he could see through the open passenger door window, the suspect held a chrome revolver in his hand and pointed it toward him. Deputy Edwards said he saw the suspect fire one shot at him as he heard the gunshot and saw the muzzle flash. He heard his truck get hit by the gunshot, so he ducked down to avoid being shot. He said that is when he heard a second gunshot but he did not know if his truck was hit again. When he

looked up again, the Charger was speeding ahead of him.

Deputy Edwards said that he retrieved his H & K USP 45 pistol from under his seat and he used his cell phone to call Century Station to request they call WCPD for assistance. He added that he did not want to call 911 because he knew the process of trying to go through the CHP would be too much of a delay in getting the help he needed. Deputy Edwards said he feared for the public's safety as well as that of any officer who may pull the suspect over, not knowing that he was armed and had just shot at him. Therefore, he followed after the suspect while trying to connect with Century Station on his cell phone to give a description and location of the suspect.

Deputy Edwards said the suspect quickly exited the freeway at West Covina Parkway and he lost sight of the suspect on residential streets in the City of West Covina. He said he soon saw the suspect vehicle traveling toward him on a residential street. He said he applied his brakes to avoid a confrontation with the suspect but because his brakes were heated, he was unable to stop quickly and ended up stopping with his front bumper near the front bumper of the suspect's Charger. He added that the suspect was also coming to a stop and each of their driver's doors were approximately eight feet apart and at a diagonal. Deputy Edwards said the suspect leaned out his driver's window as the Charger was still coming to a stop and the suspect fired three to four more shots at him. He said he heard his truck being struck by the gunfire so in order to protect himself and stop the suspect's assault, he shot back. He said he leaned out his open driver's door window while he shot at the suspect and he knew he hit a window of the suspect's vehicle because of glass breaking but he did not know if any of his rounds struck the suspect. He added that his shots were rapid and the slide of his gun locked to the rear, indicating that it was empty. He said the suspect immediately drove away and that he was able to follow the suspect for a short distance on several residential streets before losing sight of him again. Deputy Edwards said he tried to continue following the suspect, even though he was aware he was out of ammunition, because he believed it was paramount that he continue to broadcast the suspect's location until responding units could locate them. Deputy Edwards said he lost sight of the Suspect again and pulled to the side of the road and awaited responding deputies from Industry Station, which Century Station had requested for him.

IAB Lieutenant Ault found that Industry Station Lieutenant Sotelo responded to the location and took Deputy Edwards to the Industry Station Watch Commander's office. Deputy Edwards did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Ault checked to see if the Watch Commander had Deputy Edwards remain with a supervisor until he had provided a statement to the assigned investigators.

This shooting incident was investigated by WCPD Homicide Detectives, who responded to Industry Station to interview Deputy Edwards. Deputy Edwards' attorney, Mitch Kander of Green & Shinee arrived at Industry Station to represent Deputy Edwards. Mr. Kander refused to allow Deputy Edwards to participate in a tape recorded interview. The interview proceeded without being tape recorded by the handling detectives. A summary of Deputy Edwards'

interview by WCPD detectives may be found in their Supplemental Report **[Exhibit C]**.

Suspect Statements

Suspect Cabreros was interviewed by WCPD Detective [redacted] The interview was tape recorded and placed on a CD **[Exhibit D]** however, the quality of the recording was too poor to transcribe. A summary of his interview by Detective [redacted] may be found on Detective [redacted] Supplemental Report **[Exhibit E]**.

In essence, Suspect Cabreros said he was involved in some sort of road rage type dispute with Deputy Edwards while on the freeway. Suspect Cabreros said he read Deputy Edwards' lips while driving and believed Deputy Edwards said "You want to get down with me"? Suspect Cabreros said he saw Deputy Edwards point a pistol at himself (not at Suspect Cabreros) so he accelerated to get away. Suspect Cabreros added that Deputy Edwards chased after him and a short time later, shot numerous times at him, resulting in his arm and wrist being shot.

Suspect Cabreros said he did not know who the "Black guy" (Deputy Edwards) was that shot at him or why. He denied shooting at Deputy Edwards and he denied ever having a gun.

Miscellaneous

* Admonition Form

* Related documents

08-11365



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

August 25, 2009

Chief Frank J. Wills
West Covina Police Department
1444 West Garvey Avenue
West Covina, California 91793

RE: J. S. I. D. File No. 09-0413
W.C.P.D. File No. DR.# 08-11365

Dear Chief Wills:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 17, 2008, non-fatal shooting of Kurt Cabreros by off-duty Los Angeles County Sheriff's Department (LASD) Deputy Darell Edwards. We have concluded that Darell Edwards acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the West Covina Police Department, and submitted to this office by Detective [redacted] on June 25, 2009. The District Attorney Command Center was not notified of the shooting. The District Attorney Response Team did not respond. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On November 17, 2008, at approximately 12:55 p.m., off-duty LASD Deputy Darell Edwards was driving his personal vehicle to work and entered the Interstate 10 (I-10) westbound from the Grand Avenue onramp. Moments after merging onto the I-10, Edwards' attention was drawn to a loud car engine approaching from behind. He looked in his rear view mirror and saw a blue Dodge Charger approaching at a high rate of speed. Edwards changed lanes. Kurt Cabreros, the driver and sole occupant of the Dodge Charger, pulled alongside of Edwards' vehicle. Cabreros had an "agitated look" on his face and raised his arms up gesturing, "What's up" to Edwards. After that, Cabreros decelerated and fell approximately 40 to 50 yards to the lane left and behind Edwards.

Approximately ten seconds later, Edwards heard the engine of Cabreros' vehicle rapidly close the distance between them. While driving parallel to Edwards, Cabreros pointed a handgun at him.

Suddenly, Edwards saw a muzzle flash and heard the sound of a single gunshot strike his vehicle. Edwards ducked and took evasive action by maneuvering his vehicle into another lane of traffic in an effort to create distance between his vehicle and Cabreros'. Within seconds, Edwards heard a second gunshot. Cabreros accelerated away from Edwards and exited the I-10 at the Pacific Avenue off-ramp, in the City of West Covina. Edwards utilized his cell phone and contacted his assigned station, LASD Century, while pursuing Cabreros.

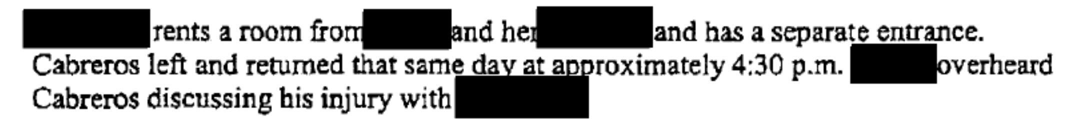
Edwards, unfamiliar with West Covina, continued to follow Cabreros on surface streets in the Cities of West Covina and La Puente. While on a narrow residential street, Cabreros abruptly negotiated a U-turn, heading in the direction of Edwards. While driving toward Edwards, Cabreros fired his weapon at Edwards. Fearing for his life, Edwards returned fire striking Cabreros' vehicle. Unbeknownst to Edwards, Cabreros had received a graze wound to his shoulder during the exchange of gunfire. Edwards continued to chase Cabreros through other residential areas and eventually lost him somewhere near the intersection of Fairgrove Avenue and Rath Street in the City of La Puente. Edwards flagged down a patrol vehicle and informed them of the incident. Edwards vehicle had four bullet strikes, two in the driver's door and two in front driver's side quarter panel.

A short time later, Cabreros' vehicle was located in the parking lot of the apartments at [redacted] in the City of West Covina. Upon inspection of the Cabreros' vehicle, it was discovered that there were several bullet holes in the driver's side door consistent with the description where Edwards said he aimed and fired his weapon. The vehicle was determined to be an "Enterprise" rental car.

It was determined that Cabreros had previously given several different addresses to law enforcement during prior contacts. The address of [redacted] was a short distance from where Cabreros had abandoned the rental car. A search warrant was sought for the location.

On November 18, 2008, the next day, further information was received concerning Cabreros' whereabouts that led police to [redacted] in the City of La Puente. A perimeter was established in an effort to capture Cabreros. During the containment in the area of [redacted] Cabreros ran out of the side door, jumped over a block wall into the backyard of a vacant house at [redacted] where he was arrested.

At approximately 2:00 p.m., when [redacted] left her residence at [redacted] she was stopped by police. Detectives [redacted] and [redacted] interviewed [redacted] who indicated that the previous day, November 17, at around 10:00 a.m., Cabreros came to her residence looking for her [redacted]



[redacted] rents a room from [redacted] and her [redacted] and has a separate entrance. Cabreros left and returned that same day at approximately 4:30 p.m. [redacted] overheard Cabreros discussing his injury with [redacted]

When Cabreros was placed into custody, he complained of a gunshot would to his right arm that he received the day before. Cabreros was transported to Queen of the Valley Hospital for treatment. Doctor Norman Owashi indicated that Cabreros had a three-inch superficial laceration, which was consistent with a gunshot graze wound on his right shoulder and several small cuts on his right forearm, and a half inch abrasion on his left wrist. After treatment, Cabreros was released for booking. During booking, it was discovered that Cabreros had an outstanding arrest warrant for possession of a controlled substance.

Cabreros told Detectives [redacted] and [redacted] that he was on I-10 when a black pick-up truck, driven by Edwards "cut him off." Cabreros claimed that Edwards fired a handgun at him and chased him throughout the Cities of West Covina and La Puente. Cabreros evaded Edwards during the chase. Cabreros denied having a gun or shooting at Edwards. He did not have an explanation for how the bullet holes got into Edwards' vehicle, other than "maybe they were there from before."

Investigators canvassed the area, but were unable to locate anyone who witnessed the incident. They interviewed witnesses who only heard the gunshots and did not see what happened.

As a result of this incident, the District Attorney's Office charged Kurt Cabreros in Superior Court Case number KA085437, with two counts of violating Penal Code section 245(a)(2), Assault with a Firearm, two counts of violating Penal Code section 246, Shooting at an Occupied Vehicle, and one count of violating Penal Code section 12021(a)(1), Possession of a Firearm by a Felon with Priors. Special allegations of personal use of a firearm in violation of Penal Code section 12022.5(a), one year priors were alleged pursuant to Penal Code section 667.5(b) and five year priors pursuant to Penal Code section 667(a) were also alleged. The matter is currently set for Probation and Sentencing in Superior Court East Department T on September 21, 2009.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal. App.3d 575.

CONCLUSION

The evidence examined in this investigation shows that Cabreros shot at off-duty Deputy Darell Edwards. Cabreros was attempting to avenge some wrong he thought had been committed against him by Edwards on the I-10 freeway engaging in "road rage revenge." Cabreros pursued Edwards and intentionally fired a handgun at Edwards on more than one occasion during the chase. Fearing for his life, Edwards returned fired striking Cabreros' vehicle and grazing his shoulder. Cabreros eluded capture, but was ultimately located and arrested.

Given the rapidly evolving, life-threatening situation that confronted Deputy Darell Edwards, we conclude he acted lawfully in self-defense when he used deadly force against Kurt Cabreros. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy Darell Edwards #[redacted]